

Virginia Department of Corrections

Older Inmate Population

Managing Geriatric Inmates

Deerfield CC Warden, Keith Davis

Geriatric Offenders in the SR Confined Population

Deputy Director, Cookie Scott

Releasing Geriatric Offenders

Parole Board Chair, Bill Muse

October 17, 2011

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DOC Challenges of an Aging Inmate Population

- DOC legislatively obligated to meet inmates' needs
 - Eighth Amendment to the U.S. Constitution
 - American with Disabilities Act (ADA)
 - Civil Rights of Institutionalized Persons Act (CRIPA)
- All inmates, regardless of age, are assessed for physical and mental problems and accommodated accordingly
- Many older inmates have different physical or mental health requirements than younger inmates
 - Problems with mobility, medical conditions, hearing, vision and diet create special needs in providing for their housing and care
 - Special security needs: victimized by younger inmates
 - Special programming and treatment needs
 - Discharge planning challenges: special housing and medical needs

Special Needs Facility

Deerfield Correctional Center

- Dedicated to housing inmates with special needs
- Has expanded from 497 to an Average Daily Population (ADP) of 1,072 in December 2010
- Assisted Living Unit increased from 40 to 57 beds in 2009
- Approximately 16 inmates are wheelchair dependent and an additional 61 require a wheelchair for distance
- 4 of 6 housing units are equipped with a nurses' station for easy access

**Management Information Summary Annual Report Year Ending June 30, 2010, VADOC Division of Administration, Financial Management & Reporting Unit, p.36*

Re-Entry

- Throughout incarceration, the goal of VADOC is to prepare each inmate for a successful release and return to a productive life in society
- DOC strives to provide a seamless transition from incarceration to the community
- Successful Re-Entry is vital to promoting public safety
- Older inmates pose specific challenges to successful Re-Entry
 - Increasing number of medically and mentally disabled offenders returning to the community
 - Shrinking number of Assisted Living Facility (ALF) beds and inadequate number of Medicaid nursing home beds
 - Lack of specialized housing for violent offenders and sex offenders

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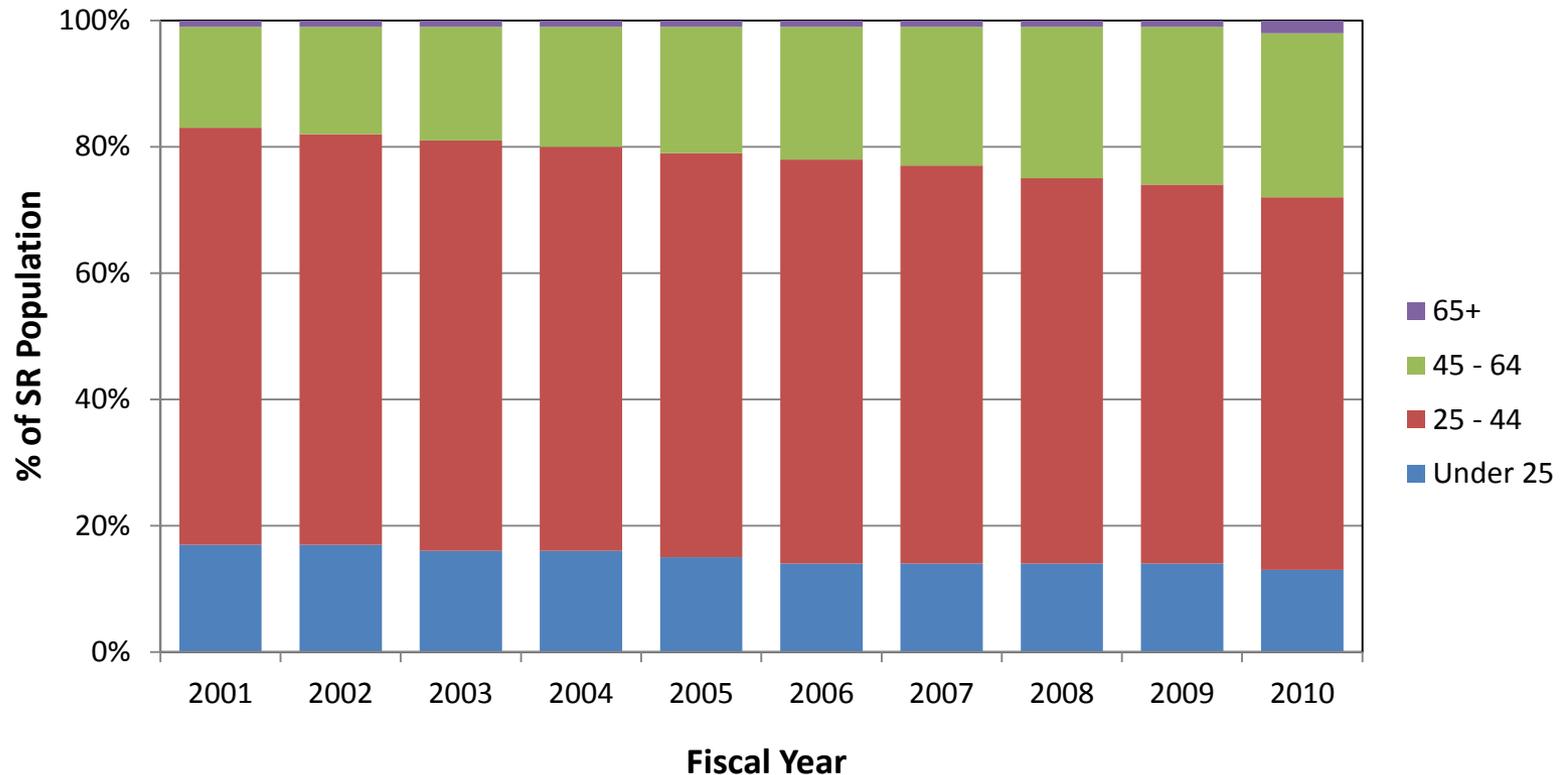
October 17, 2011

Defining Geriatric Offenders

- Inmates are often considered to “age” more rapidly than the general population
- To account for differences in physiological age, geriatric offender literature generally looks at offenders who are age 50 or older
- VA DOC looks at “geriatric” offenders for 2 groups:
 - Offenders age 50 to 64
 - Offenders age 65+

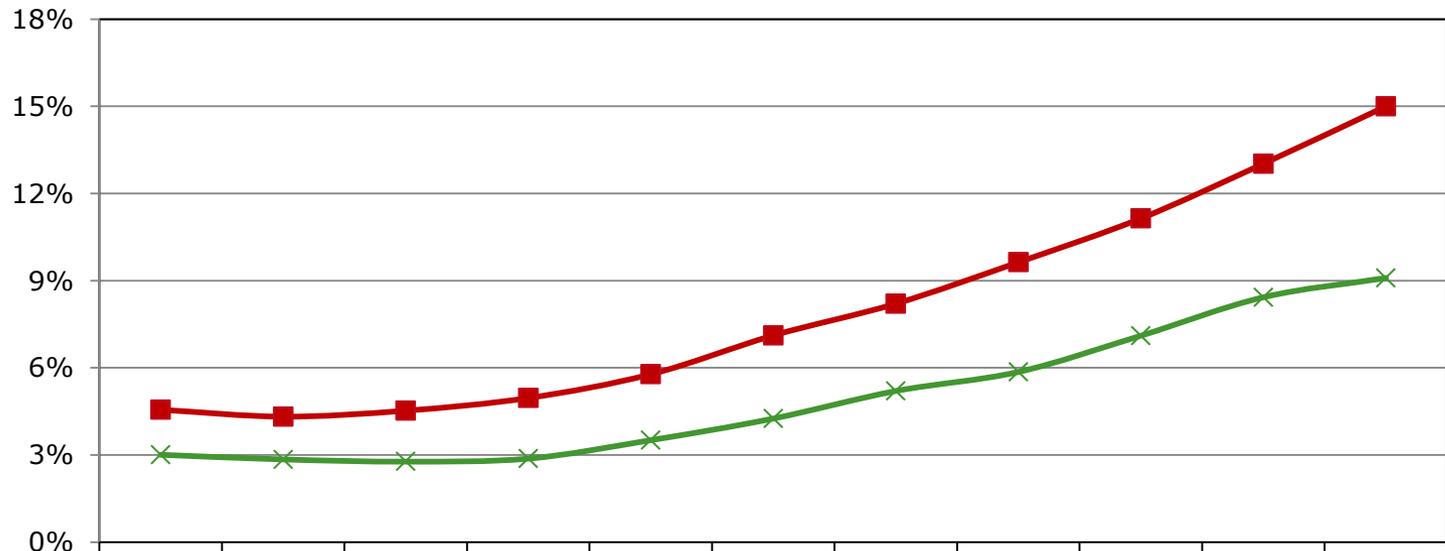
Age Distribution of State Responsible Population FY2001– FY2010

- 65+ year old group increased from 1% to 2% of the SR Confined Population
- 45 to 64 year old group increased from 16% to 26% of the SR Confined Population
- 25 to 44 year old group have decreased from 66% to 59% of the SR Confined Population
- Under 25 year old group have decreased from 17% to 13% of the SR Confined Population



State Responsible Confined and Newly Committed Inmates Age 50+ FY1990 – FY2010*

- Confined inmates age 50+ have increased almost seven-fold from 822 to 5,697 over the past 20 years
- New commitments age 50+ have increased four-fold from 265 to 1,112 over the past 20 years
- 9% of the SR NCC and 15% of the SR Confined Population are age 50+

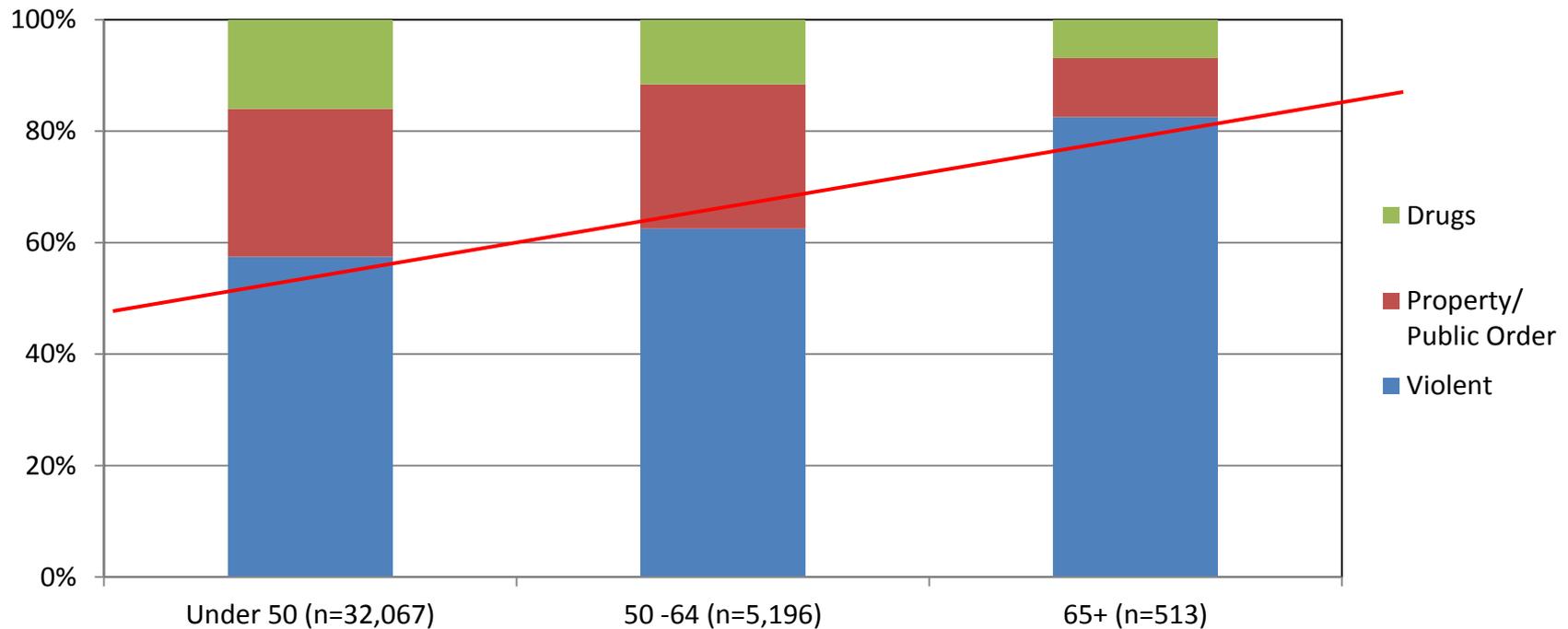


	FY90	FY92	FY94	FY96	FY98	FY00	FY02	FY04	FY06	FY08	FY10*
Confined 50+	822	927	1,169	1,444	1,731	2,240	2,849	3,537	4,133	5,090	5,697
■ Confined 50+ Percent	5%	4%	5%	5%	6%	7%	8%	10%	11%	13%	15%
NCC 50+	265	278	263	251	327	393	566	676	889	1,094	1,112
✕ NCC 50+ Percent	3%	3%	3%	3%	4%	4%	5%	6%	7%	8%	9%

Source: RMS Inmate Data File, March 1, 2011. Confined Population information is as of June 30th of each year. NCC information is inmates sentenced within the fiscal years listed.
*FY2010 NCC data is preliminary; Confined Population for FY2010 is as of May 2011.

Primary Offense by Age Groups

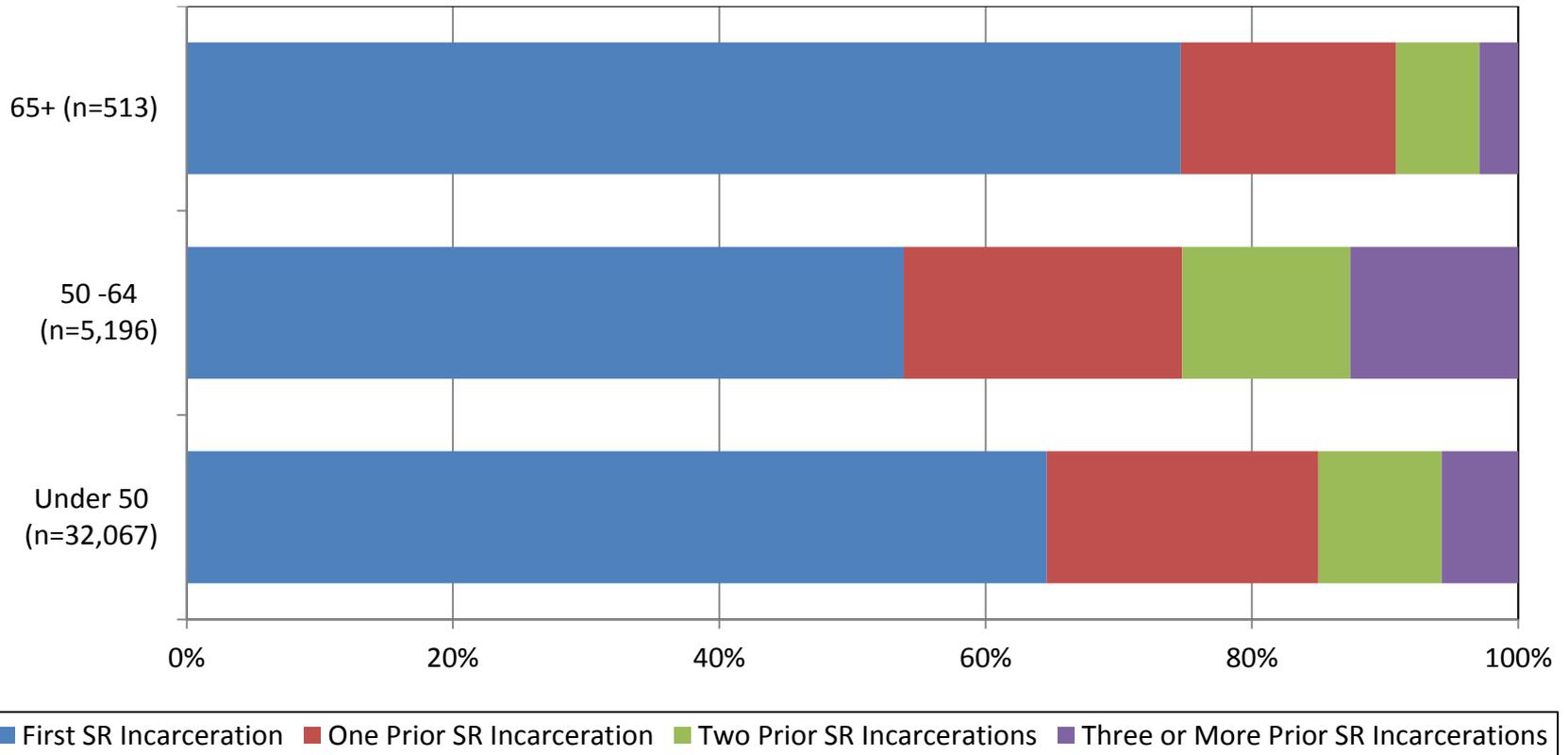
- 82% of the age 65+ inmates and 62% of inmates in the 50-64 age group are incarcerated for a violent crime. This compares to only 57% of the younger inmates
- The most common offense for older inmates is rape/sexual assault (36% of the 65+ age group).



Source: RMS Inmate Data File, March 1, 2011. SR inmates incarcerated on July 7, 2010.
Excludes <1% of each age group whose primary offense has not yet been reported.

Number of Prior SR Incarcerations by Age Group

- 75% of the 65+ group are serving their first SR incarceration
- 54% of the 50-64 group are serving their first SR incarceration
- 65% of the Under 50 group are serving their first SR incarceration



Source: RMS Inmate Data File, March 1, 2011. SR inmates incarcerated on July 7, 2010.
Prior SR Incarcerations includes all prior periods of incarceration in Virginia for an SR sentence.

FY2010 SR Confined Population

Age at Sentencing by Age Groups

- Under 50 group: 83% sentenced between 18-39 (56% sentenced by age 29)
- 50-64 group: 66% sentenced between 40-59 (56% sentenced age 45+)
- 65+ group : 67% sentenced age 50+ (49% sentenced age 60+)
- Average Age of Total SR Confined population is 37.2

Inmate Age at Sentence	Under 50 in FY2010		50 – 64 in FY2010		65+ in FY2010	
Under 18	755	2%	25	<1%	0	0%
18 – 24	11,236	35%	408	8%	10	2%
25 – 29	6,824	21%	391	8%	14	3%
30 – 34	4,903	15%	376	7%	32	6%
35 – 39	3,794	12%	412	8%	33	6%
40 – 44	3,079	10%	501	10%	36	7%
45 – 49	1,476	5%	1,047	20%	42	8%
50 – 54	0	0%	1,316	25%	45	9%
55 – 59	0	0%	588	11%	52	10%
60 – 64	0	0%	132	3%	94	18%
65+	0	0%	0	0%	155	30%
Total	32,067		5,196		513	

Source: RMS Inmate Data File, March 1, 2011. SR inmates incarcerated on July 7, 2010.

SR Confined Population – FY2010

Projected Length of Stay¹ by Age Groups

- On average, older inmates have longer projected lengths of stay
- A higher percentage of the older inmates have life sentences
- Average Projected LOS is 11.8 years (Median = 6.2)
 - Average Projected LOS for Truth-In-Sentencing (TIS) Offenders is 9.7 years (Median = 5.3)
 - Average Projected LOS for Parole Eligible (PE) Offenders is 27.0 years (Median = 23.9)

	Under 50		50 – 64		65+	
	TIS (n=27,058)	PE (n=4,502)	TIS (n=3,652)	PE (n=1,995)	TIS (n=301)	PE (n=267)
Mean Projected Length of Stay* (years)	9.7	24.6	9.7	33.3	10.8	30.4
Median Projected Length of Stay* (years)	5.3	21.7	5.2	29.3	8.3	27.1
Death Sentences	11 (<1%)		0 (0%)		0 (0%)	
Single or Multiple Life Sentences	671 (2%)	636 (14%)	153 (4%)	583 (29%)	19 (6%)	109 (41%)
Three Time Loser Sentences	179 (<1%)	22 (<1%)	101 (3%)	49 (2%)	6 (2%)	3 (1%)

¹Projected LOS is the total amount of time it is expected that an inmate will be incarcerated from the beginning of his incarceration (including Pre-Trial time spent in jail) until his projected release date (Good Time Release Date for TIS offenders; Mandatory Parole Release Date for PE offenders); those with life, death or three time loser sentences were excluded from the Projected LOS calculations because it is not known when they will be released.

²TIS category includes offenders with only TIS sentences; PE category includes BOTH offenders with only parole eligible sentences AND offenders with a combination of TIS and PE sentences (these offenders must satisfy the TIS portion of their sentence before satisfying the PE portion)

Source: RMS Inmate Data File, March 1, 2011. SR inmates incarcerated on July 7, 2010.

Costs of Managing Geriatric Inmates

- **Facilities:** The FY2010 per capita expense at Deerfield was \$29,600 while most other Medium Security Dormitories (MSD) average \$18,000
- **Medical:**
 - Medical expenditures have increased from 12% to 15% of the DOC's Operating expenditures between FY2006 and FY2010
 - Most medical expenditure data is not available by age

Per Capita Medical Expenditures

	Medical Cost Per Capita	% of Total DOC Operating Expenditures
FY2006	\$3,637	11.9%
FY2007	\$4,059	12.9%
FY2008	\$4,393	12.9%
FY2009	\$4,322	13.2%
FY2010	\$4,827	14.9%

FY2010* Off-site Medical Expenditures by Age Group

Age Group	Total Combined Expense**	Average Members***	Average Age Group Expense
Under 18	\$0	13	\$0.00
18 – 24	\$1,495,703	4,037	\$370.48
25 – 29	\$3,731,391	5,652	\$660.18
30 – 34	\$3,607,425	5,459	\$660.83
35 – 39	\$3,635,561	4,505	\$807.02
40 – 44	\$5,555,491	4,487	\$1,238.02
45 – 49	\$7,307,690	3,992	\$1,830.39
Total Under 50			\$795.27
50 – 54	\$7,359,765	2,500	\$2,944.00
55 – 59	\$6,099,762	1,329	\$4,590.89
60 – 64	\$3,165,939	614	\$5,158.35
65+	\$3,873,469	440	\$8,795.01
Total 50 and Older			\$5,372.06
Combined			\$1,387.68

- The off-site portion of medical expenses is available by age group through the medical provider (Anthem Insurance)
- Off-site medical expenses would be greatly impacted by an aging population and would be reflective of the increased costs associated with an older group
- Off-site costs are almost 23% of the total medical expenditures ,NOT the total costs
- The average inmate under the age of 50 has annual off-site medical costs of \$795
- The average inmate age 50 and older has annual off-site medical costs of \$5,372

Based on DOC Actual and Annualized Medical Expenses by Gender and Age Category, May 2009-April 2010.

*The data on this slide represents the time of May 2009-April 2010.

**These costs are for off-site expenses only, excluding the costs of drugs and dental.

***A member is an inmate shown as enrolled in Anthem Insurance during the specified period.

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Releases

- Since January 1, 1995, Virginia has been a “Truth-In-Sentencing” (TIS) state. Inmates convicted of crimes that were committed on or after that date are not eligible for parole. They must complete at least 85% of their effective sentence prior to release.
- Inmates who committed their offenses prior to January 1, 1995 may be parole eligible depending on their offense and how much time they have served. Typically, parole eligible inmates were given much longer sentences than TIS inmates because it was anticipated that these inmates could get paroled in the future.
- Special Release Mechanisms: The Parole Board may use its discretion to release inmates who meet the geriatric release qualifications defined in Section 53.1-40.01 of the *Code of Virginia*

FY2010 SR Releases

By Age Group and Release Type

Release Type	Under 50 Years Old		50 – 64 Years Old		65+ Years Old		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
TIS Direct Discharge	10,342	91%	1,319	82%	68	56%	11,729	89%
Mandatory Parole	547	5%	131	8%	15	12%	693	5%
Discretionary Parole	287	3%	77	5%	13	11%	377	3%
Other Release Types	216	2%	73	5%	25	21%	314	2%
<i>Death</i>	30	<1%	43	3%	18	15%	91	<1%
<i>By Court Order</i>	63	<1%	10	<1%	0	0%	73	<1%
<i>Other</i>	123	1%	20	1%	7	6%	150	1%
Total Releases	11,392	87%	1,600	12%	121	<1%	13,113	

Source: RMS Inmate Release File. SR Inmates who were released from incarceration between July 1, 2009 and June 30, 2010.

Inmates Eligible for Geriatric Release Consideration

- Conditional Geriatric Release Clause (§53.1-40.01) allows certain inmates who were NOT convicted of a Class 1 Felony to apply for early release. To be eligible to apply for Geriatric Release:
 - Must be at least 60 years old AND served at least 10 years OR
 - Must be at least 65 years old AND served at least 5 years
- Between 2003 and 2010 there has been a 93% increase in the number of inmates eligible for Geriatric Release (339 to 653)
- 129 of 653 eligible inmates applied for Geriatric Release in CY2010 and only 9 (7%) were granted
- The majority of geriatric inmates released were released after completing their sentence, NOT through a special release mechanism

	2004	2006	2008	2010
60 to 64	191 50%	232 51%	295 51%	330 51%
65+	194 50%	222 49%	283 49%	323 49%
Total Eligible	385	454	578	653

*Source: Virginia Parole Board Geriatric Caseload Summaries

Most Serious Offense of Inmates Considered for Geriatric Release CY2004 - 2010

- Most inmates considered for Geriatric Release between CY2004 and CY2010 committed either Homicide or Rape/Sexual Assault

	2004		2006		2008		2010	
Homicide	12	31%	15	42%	28	47%	58	45%
Rape/Sexual Assault	12	31%	10	28%	14	24%	37	29%
Abduction	1	3%	1	3%	2	3%	2	2%
Robbery	2	5%	1	3%	3	5%	9	7%
Assault	0	0%	4	11%	9	15%	2	2%
Weapons	0	0%	1	3%	0	0%	4	3%
Burglary/B&E	2	5%	0	0%	0	0%	2	2%
Larceny/Fraud	1	3%	1	3%	1	2%	6	4%
Sex Offense	1	3%	0	0%	1	2%	3	2%
Drug Sales/Possession	3	8%	3	8%	1	2%	6	4%
	39		36		59		129	

Source: Virginia Parole Board Geriatric Caseload Summaries

Reasons for Geriatric Release Denial CY2004-2010

- Most inmates considered for Geriatric Release between CY2004 and CY2010 were denied due to seriousness of their crimes
- Reasons for not applying for Geriatric Release include annual discretionary parole reviews and inmates not wanting to be released

	2004		2006		2008		2010	
Denied – Serious Nature of Crimes	34	87%	31	86%	53	90%	116	90%
Denied – Risk to Community	1	3%	2	6%	1	2%	3	2%
Other Type of Release	2	5%	1	3%	0	0%	1	1%
Granted	2	5%	2	6%	5	8%	9	7%
Total Considered	39		36		59		129	

*Source: Virginia Parole Board Geriatric Caseload Summaries

Other Type of Release includes Releases Due to Medical Reasons and Releases to Discretionary Parole

Geriatric Release Eligibility of the SR Confined Population as of June 30, 2010

Geriatric Release Eligibility Date	Currently Parole Eligible		Parole Eligible in the Future		NOT Parole Eligible	
	Cumulative #	% of Total SR	Cumulative #	% of Total SR	Cumulative #	Total SR
Through FY2010	431	1%	71	<1%	164	<1%
FY2011	499	1%	86	<1%	223	<1%
FY2012	572	2%	111	<1%	310	<1%
FY2013	651	2%	129	<1%	394	1%
FY2014	733	2%	150	<1%	510	1%
FY2015	835	2%	167	<1%	579	2%
After FY2015	2,610	7%	1,105	3%	3,271	9%
Scheduled to be Released Prior to Geriatric Eligibility	1,626	4%	1,339	4%	27,496	73%
Not Eligible for Geriatric Release	73	<1%	52	<1%	204	<1%

- Average current age for currently PE is 49.1 years, for PE in the Future is 45 years and for Not PE is 45.2 years.
- Average time from Geriatric Eligibility until expected release* for currently PE is 16.7 years, for PE in the Future is 10.3 years and for Not PE is 16.2 years.

*For parole eligible offenders, expected release date is set at the mandatory release date. However, these offenders may be discretionarily released prior to that date.